

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 RAFAEL CASTILLO-SANCHEZ,

5 Petitioner

6 v.

7 DWIGHT NEVEN,

8 Respondents
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Case No. 2:18-cv-01598-JAD-NJK

**Order Granting IFP Status, Denying
Motion for Counsel, and Directing Petitioner
to File Petition**

[ECF Nos. 3, 5]

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12 Petitioner has filed an application to proceed *in forma pauperis* (ECF No. 3). The court
13 finds that petitioner is unable to pay the filing fee.

14 Petitioner has not submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C.
15 § 2254. Petitioner needs to file a petition for this action to proceed.

16 Petitioner has filed a motion for appointment of counsel (ECF No. 5), but the court cannot
17 evaluate whether counsel is necessary because petitioner has not filed a petition.

18 IT THEREFORE IS ORDERED that the application to proceed *in forma pauperis* [ECF
19 No. 3] is **GRANTED**; Petitioner need not pay the \$5.00 filing fee.

20 IT FURTHER IS ORDERED that **the motion for appointment of counsel [ECF No. 5]**
21 **is DENIED without prejudice.**

22 IT FURTHER IS ORDERED that the clerk of the court is directed to **SEND petitioner a**
23 **petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions.**
24 **Petitioner has until April 11, 2019, to file a proper petition using this form.** Petitioner must
25 place the case number, 2:18-cv-01598-JAD-NJK, in the space provided on the form. Neither this
26 April 11, 2019, deadline nor any extension thereof signifies or will signify any implied finding of
27 a basis for tolling during the time period established. Petitioner always remains responsible for
28 calculating the running of the federal limitation period under 28 U.S.C. § 2244(d)(1) and timely

1 asserting claims. **Failure to comply with this order will result in the dismissal of this action.**

2 Dated: March 12, 2019

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5 U.S. District Judge Jennifer A. Dorsey
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